

**Notice of Allowability**

Application No.

09/990,768

Examiner

Huyen Vo

Applicant(s)

HINDE ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/2/2004.
2. ☒ The allowed claim(s) is/are 1-21, 25, 27-55, 59, and 61-68.
3. ☒ The drawings filed on 21 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### ***Allowable Subject Matter***

1. Claims 1-21, 25, 27-55, 59, and 61-68 are allowed over prior art of record.

The following is an examiner's statement of reasons for allowance: Allinger (DE 19747745) teaches a system for enabling verbal communication on behalf of a local entity with a nearby user, the system comprising: user equipment, intended to be carried by a user, comprising a wireless communication subsystem (*element 4 in figure 1*); a communications infrastructure comprising at least a wireless network for communicating with the wireless communication subsystem of the user equipment (*figure 1, specifically elements 5 and 10*); audio output means forming part of the user equipment, or located in the locality of the local entity and connected to the communication infrastructure (*page 1, lines 1-12*); audio input means forming part of the user's equipment (*elements 4-6 in figure 1*), or located in the locality of said entity and connected to said communications infrastructure (*page 1, lines 1-12*); and a voice service arrangement for providing said voice service, the voice service arrangement being connected to said communications infrastructure such as to enable the user's equipment to contact it over the wireless network using said contact data, the voice service arrangement being operative, in response to being contacted by the user equipment, to act as voice proxy for the local entity by providing voice input and output signals over the communications infrastructure to the audio input and output means thereby enabling a user to interact with the voice service through spoken dialog with

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voice input by the user through the audio input means and voice output to the user through the audio output means (*the operation of figure 1 or referring to pages 5-6*).

Albukerk et al. (US 5929848) teach a user device having contact-data input means for receiving contact data (*PID 101 receives identification signal 109 emitted from identification device 107 located near the exhibit in figure 1*); and a contact-data providing means located at the local entity for making available to a user near the local entity or to the user equipment carried by that user (*identification device 107 located near the exhibit emits identification signal for the user device*), contact data identifying a voice service associated with the entity but separately hosted (*col. 9, ln. 11-31*).

However, both Allinger and Albukerk et al. fail to specifically teach the step that the user device receives control data from the voice service and passes said control data to the controllable functionality associated with the local entity via short-range wireless link. Said control data is used to control the controllable functionality in coordination with voice output. Furthermore, it would have not been obvious to one of ordinary skill in the art at the time of invention to modify Allinger and/or Albukerk et al. in order to obtain the claimed invention. Therefore, claims 1-69 are allowable over prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Popa on 3/28/2005.

The application has been amended as follows: claims 69-70 are cancelled.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huyen X. Vo

March 29, 2005

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SUSAN MCFADDEN  
PRIMARY EXAMINER